

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

GUADALUPE GUAJARDO, JR.
Petitioner

v.

DOUG DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF
CRIMINAL-JUSTICE
INSTITUTIONAL DIVISION
Respondent

§
§
§
§
§
§
§

C.A. NO. C-04-620

**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S
MOTION TO DISMISS**

On August 22, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 26). Objections were timely filed (D.E. 28). The objections were reviewed and were found to be without merit. Having reviewed *de novo* the Magistrate Judge's memorandum and recommendation and the pleadings on file, this Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, respondent's motion to dismiss (D.E. 16, 20) is GRANTED and petitioner's cause of action for habeas corpus relief is DISMISSED. Petitioner's Certificate of Appealability is denied.

ORDERED this 10 day of September, 2005.



HAYDEN HEAD
CHIEF JUDGE